IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 3139 of 2007.

Anil Subhash Chauhan ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Ms Anita Agarwal i/b Jehangir A Khan, Advocate
for the applicant.

Mr K. V. Saste, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 30th OCTOBER, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused the application and material available on record.

3. The applicant is seeking bail under Section 439 of the Cr.P.C. in C.R. No.242 of 2007 registered with D.N. Nagar,Police Station, for the offence punishable under Section 392, 397, 120-B, read with Section 34 of the I.P.C.and under Sections 3, 4 and 25 of the Arms Act.

5. Learned counsel appearing for the applicant submits that the applicant would be entitled for bail on parity, in view of the fact that other co-accused has already been

released on bail vide order dated 27.8.2007 passed by learned Sessions Judge,Greater Bombay in B.A.No.1248 of 2007. The co-accused to whom bail has been granted, has been identified alongwith the present applicant. Chopper was also seized from him; whereas,from the present applicant only cash was seized.

6. Learned A.P.P., opposed the prayer of bail but he could not take his submission to the logical end.

7. Having heard both parties, in my considered opinion, no useful purpose would be served by detaining the applicant in custody till the trial is over. However, while releasing him on bail, imposition of certain stringent conditions will serve the ends of justice.

8. In the above view of the matter, considering the act of commission of offence, the applicant be enlarged on bail on following terms and conditions:-

a] The applicant arrested in connection with C.R. No. 242 of 2007 registered with D.N.Nagar, Police Station, under

Section 392, 397, 120-B, read with Section 34 of the I.P.C. and under Sections 3, 4 and 25 of the Arms Act, shall be enlarged on bail subject to furnishing a personal bond of Rs. 25,000/- with one or two local solvent sureties in the like amount.

b] The applicant shall report to above Police Station once in a week i.e. on every Saturday between 3.00 to 5.00 p.m.till the conclusion of the trial.

c] The order of bail will be given effect only after the applicant furnishes to the Investigating Officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

d] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the

prosecution evidence.

e] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

g] Breach of any of the above conditions may result in cancellation of this order.

9. Application is disposed of in above terms.

(V.C. DAGA,J.)